

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC., F/K/A BIOPTIX,
INC., JOHN O'ROURKE, and JEFFREY G.
MCGONEGAL,

Defendants.

3:18-cv-02293

**[PROPOSED] ORDER APPOINTING
LEAD PLAINTIFF AND
APPROVING SELECTION OF
COUNSEL**

WHEREAS, the Court has considered the competing motions for appointment of Lead Plaintiff and approval of Lead Counsel,

IT IS HEREBY ORDERED THAT:

1. Having reviewed all pending motions and accompanying memoranda of law, the Court hereby appoints Kevin Ezell, Frank J. Kosarek, the Francis Kosarek Jr. Trust, Ben Hughes, Sue Hughes, and Lawrence Handler (collectively, the "Riot Investor Group") as Lead Plaintiff in the above-captioned action (the "Action"). The Riot Investor Group satisfies the requirements for appointment as Lead Plaintiff pursuant to Section 21D(a)(3)(B)(iii) of the Private Securities Litigation Reform Act of 1995 (the "PSLRA").

2. Lead Plaintiff, pursuant to Section 21D(a)(3)(B)(v) of the PSLRA, has selected and retained Pomerantz LLP and Cohen Milstein Sellers & Toll PLLC as Co-Lead Counsel in the Action.

3. Co-Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Co-Lead Counsel shall designate:

- (a) to coordinate the briefing and argument of motions;
- (b) to coordinate the conduct of discovery proceedings;

- (c) to coordinate the examination of witnesses in depositions;
- (d) to coordinate the selection of counsel to act as a spokesperson at pretrial conferences;
- (e) to call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
- (f) to coordinate all settlement negotiations with counsel for defendants;
- (g) to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate work responsibilities to selected counsel as may be required; and
- (h) to supervise any other matters concerning the prosecution, resolution or settlement of the Action.

4. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiffs without the approval of Co-Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of Co-Lead Counsel.

5. Counsel in any related action that is consolidated with this Action shall be bound by this organization of plaintiffs' counsel.

6. Co-Lead Counsel shall have the responsibility of receiving and disseminating Court orders and notices.

7. Co-Lead Counsel shall be the contact between plaintiffs' counsel, and shall direct and coordinate the activities of plaintiffs' counsel.

8. Defendants shall effect service of papers on plaintiffs by serving a copy of the same on Co-Lead Counsel by e-mail. Plaintiffs shall effect service of papers on defendants by serving a copy of the same on defendants' counsel by e-mail.

SO ORDERED.

Dated: _____, 2018
Trenton, New Jersey

HONORABLE FREDA L. WOLFSON
UNITED STATES DISTRICT JUDGE
DISTRICT OF NEW JERSEY